

## **Governor's Commission for a Sustainable South Florida Assurances to Water Users**

The Governor's Commission for a Sustainable South Florida developed a consensus-based set of recommendations concerning assurances to existing users, including the natural system (GCFSSF, 1999). The following text is taken from the Commission's *Restudy Plan Report*, adopted on January 20, 1999 and included in both the Central and Southern Florida Project Comprehensive Review Study. April 1999 and included in the Lower East Coast Regional water Supply Plan, May 2000:

*“Assurances are needed for existing legal users during the period of plan implementation. It is an important principle that has helped gain consensus for the Restudy that human users will not suffer from the environmental restoration provided by the Restudy. At the same time, assurances are needed that, once restored, South Florida's natural environment will not again be negatively impacted by water management activities. Getting ‘from here to there’ is a challenge. The implementation plan will be the key to assuring predictability and fairness in the process.*

### ***Protecting Current Levels of Service (Water Supply and Flood Protection) during the Transition from the Old to the New C&SF Project.***

*The goal of a sustainable South Florida is to have a healthy Everglades ecosystem that can coexist with a vibrant economy and quality communities. The current C&SF Project has generally provided most urban and agricultural water users with a level of water supply and flood protection adequate to satisfy their needs. In fact, if properly managed, enough water exists within the South Florida system to meet restoration and future water supply needs for the region. However, past water management activities in South Florida, geared predominantly toward satisfying urban and agricultural demands, have often ignored the many needs of the natural system (GCSSF, 1995; transmittal letter to Governor Chiles, p. 2). Specifically, water managers of the C&SF Project historically discharged vast amounts of water to tide to satisfy their mandate to provide flood protection for South Florida residents, oftentimes adversely impacting the region's estuarine communities.*

*The Commission recommended that in the Restudy, the SFWMD and the Corps 1 should ensure that the redesign of the system allows for a resilient and healthy natural system (GCSSF, 1995; p. 51) and ensure an adequate water supply and flood protection for urban, natural, and agricultural needs (GCSSF, 1996a; p.14). In response to the need to restore South Florida's ecosystem, and in light of the expected future increase of urban and agricultural water demands, the Restudy aims to capture a large percentage of water wasted to tide or lost through evapotranspiration for use by both the built and natural systems. In order to maximize water storage, the Restudy intends to use a variety of technologies located throughout the South Florida region so that no one single area bears a disproportionate share of the storage burden. This direction reinforces the Commission's recommendation that water storage must be achieved in all areas of the South Florida system using every practical option (GCSSF, 1996a; p. 25).*

*However, concerns have been expressed that a water user would be forced to rely on a new water storage technology before that technology is capable of fully providing a water supply source or that existing supplies would otherwise be transferred or*

*limited, and that the user would thereby experience a loss of their current legal water supply level of service. Any widespread use of a new technology certainly has potential limitations; however, the Restudy should address technical uncertainties prior to project authorization and resolve them before implementation in the new C&SF Project. With the addition of increased water storage capabilities, water managers will likely shift many current water users to different water sources.*

*Additionally, stakeholders are concerned that a preservation of the current level of service for legal uses would not encompass all the urban uses, some of which are not incorporated in the term 'legal' and covered by permit. Specifically, an adequate water supply is needed to address urban environmental preservation efforts as well as water level maintenance to reduce the impact of salt water intrusion.*

*The Commission believes that in connection with the Restudy, the SFWMD should not transfer existing legal water users from their present sources of supply of water to alternative sources until the new sources can reliably supply the existing legal uses. The SFWMD should implement full use of the capabilities of the new sources, as they become available, while continuing to provide legal water users as needed from current sources. It is the Commission's intent that existing legal water users be protected from the potential loss of existing levels of service resulting from the implementation of the Restudy, to the extent permitted by law.*

*The Commission also recognizes that the SFWMD cannot transfer the Seminole Tribe of Florida from its current sources of water supply without first obtaining the Tribe's consent. This condition exists pursuant to the Seminole Tribe's Water Rights Compact, authorized by Federal (P.L. 100-228) and State Law (Section 285.165, F.S.).*

*However, the issues surrounding the development of specific assurances to water users are exceedingly complex and will require substantial additional effort to resolve.*

#### **RECOMMENDATION**

*• The SFWMD and the Corps should work with all stakeholders to develop appropriate water user assurances to be incorporated as part of the Restudy authorizations. These water user assurances should be based on the following principles:*

- A. Physical or operational modifications to the C&SF Project by the federal government or the SFWMD will not interfere with existing legal uses and will not adversely impact existing levels of service for flood management or water use, consistent with State and federal law.*
- B. Environmental and other water supply initiatives contained in the Restudy shall be implemented through appropriate State (Chapter 373 F.S.) processes.*
- C. In its role as local sponsor for the Restudy, the SFWMD will comply with its responsibilities under State water law (Chapter 373 F.S.).*
- D. Existing Chapter 373 F.S. authority for the SFWMD to manage and protect the water resources shall be preserved."*